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5 Counsel for Defendant MAYS

6  
7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,  
10 Plaintiff,

11 vs.

12 NICOLE MAYS,  
13 Defendant.

)  
) No. CR 07-295 MAG

)  
) DECLARATION OF ELIZABETH M.  
) FALK IN SUPPORT OF  
) STIPULATION TO CONTINUE TRIAL  
) DATE

)  
) Date: March 12, 2007  
) Time: 8:30 a.m.  
) Court: The Honorable Elizabeth  
) D. Laporte

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16  
17 I, Elizabeth M. Falk, declare:

- 18 1. I am counsel for the defendant in the above-captioned action;
- 19 2. On Friday, February 8, 2008, I received a call from Ms. Mays. She informed me that she had  
20 just found out that her husband Robert Perez is scheduled for invasive back surgery on February  
21 28, 2008, due to a recently discovered breach in an old spinal cord fusion that needs to be fixed  
22 forthwith;
- 23 3. Today, on February 11, 2008, I called Dr. Robert McCormack's office at 415-923-3040, where I  
24 spoke to a nurse named Mariana. According to Mariana, Mr. Perez is a patient of Dr.  
25 McCormack, and he is scheduled to undergo surgery to repair a spinal column fuse and fix two  
26 slipped disks;
4. According to Mariana, the surgery is significant and debilitating, and will require Mr. Perez to

1 be completely bedridden for, at minimum, "several weeks;"

2 5. I spoke to Ms. Mays about her role in Mr. Perez' surgery. Ms. Mays will work a reduce  
3 schedule during those weeks, and act as her husband's caretaker while he is bedridden;

4 6. If trial moves forward on schedule, it is my professional opinion that Ms. Mays will need to be  
5 preparing for trial on a daily basis at the exact time of Mr. Perez' surgery and immediate  
6 aftercare;

7 7. I believe that Ms. Mays will not be able to focus her attention on the trial if it occurs on March  
8 12, 2008, due to her caretaking responsibilities in the early morning, afternoon and evening at  
9 that time;

10 8. Ms. Mays requested me to request a continuance of the trial until Mr. Perez is able to move  
11 around, which she estimates as four weeks after surgery;

12 9. I need an additional week to prepare Ms. Mays for trial;

13 10. I also need additional time to arrange for a fingerprint expert to print the items located in Ms.  
14 Mays' car. I have notified the government, and AUSA Wendy Thomas is arranging for the  
15 physical evidence in the case to be produced to the defense for testing. We will make  
16 arrangements for testing as soon as possible.

17  
18 I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

19 DATED: February 11, 2008

20 /S/  
21 ELIZABETH M. FALK  
22 Assistant Federal Public Defender  
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FALK DEC RE: CONTINUING  
TRIAL DATE  
*United States v. Nicole Mays*  
CR 07-295 MAG